

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS ROY PETERSON,

Petitioner,

v.

THIRD APPELLATE DISTRICT  
COURT,

Respondent.

No. 2:24-cv-03103-EFB (HC)

ORDER & FINDINGS AND  
RECOMMENDATIONS

Petitioner is a former state prisoner proceeding pro se. He has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254. ECF No. 1. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

On November 10, 2025, the court screened the petition and dismissed it with leave to amend within 30 days. ECF No. 9. The screening order warned petitioner that failure to comply could result in a recommendation that this action be dismissed.

The time for acting has now passed and petitioner has not filed an amended petition or otherwise responded to the court's order. Thus, it appears that petitioner is unable or unwilling to cure the defects in the petition.

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1 Accordingly, it is ORDERED that the Clerk of Court randomly assign a district judge to  
2 this action. It is further RECOMMENDED that this action be DISMISSED without prejudice for  
3 the reasons stated in the November 10, 2025 screening order.

4 These findings and recommendations are submitted to the United States District Judge  
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
6 after being served with these findings and recommendations, any party may file written  
7 objections with the court and serve a copy on all parties. Such a document should be captioned  
8 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
9 objections shall be served and filed within fourteen days after service of the objections. The  
10 parties are advised that failure to file objections within the specified time may waive the right to  
11 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
12 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13  
14 Dated: December 18, 2025

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE